



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hoogenboom and Henderikx

Serial No.: 09/822,698

Filed: March 30, 2001

Entitled: MUCIN-1 SPECIFIC BINDING  
MEMBERS AND METHODS OF USE  
THEREOF

Attorney Docket No.: DYX-015.1 US

Commissioner for Patents  
Washington, D.C. 20231

Examiner: C. Yaen

Art Unit: 1642

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**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This paper is filed in response to an Office Action (Paper No. 9), dated July 2, 2002, in which the Examiner restricted the claims in the above-identified application.

This paper is filed within the one-month shortened statutory period for response. Accordingly, no fee associated with this response is believed to be due. However, to avoid abandonment, the Commissioner is hereby authorized to charge any fee related to this response to Deposit Account No. 50-0268.

**REMARKS**

In the Office Action, the Examiner asserts that the present application contains patentably distinct inventions. As pointed out in the Manual of Patent Examining Procedure (MPEP), a proper restriction between independent and distinct inventions claimed in the same application requires two criteria: (1) that the inventions must be independent and distinct as claimed, and (2) that there must be a serious burden placed on the Examiner by not requiring restriction. If either criterion is not met, restriction is not proper (see, MPEP § 803). Thus, even if an application contains claims that are independent or distinct, the lack of a serious burden for a search of the subject matter requires that an examination on the merits be carried out on all of the claims without restriction. As clearly noted in the MPEP:



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**TRANSMITTAL LETTER**

Sir:

Transmitted herewith is: [X] a Response To Restriction Requirement, and [X] a return postcard, for filing in the above-identified application.

**FEE FOR ADDITIONAL CLAIMS**

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	<u>69</u>	<u>69</u>	<u>0</u>	× \$9	= 0.00
INDEPENDENT	<u>36</u>	<u>36</u>	<u>0</u>	× \$42	= 0.00
FIRST INTRODUCTION OF MULTIPLE DEPENDENT CLAIM				+\$140	= 0.00
<b>TOTAL FEES DUE</b>					<b>= 0.00</b>

[X] Small entity status has been established previously for Applicant(s) in this case.

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### PAYMENT OF ADDITIONAL FEES

- ☐ A check for the amount of \$\_\_\_\_ in payment of the fee for filing the papers submitted herewith is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

### PETITION FOR EXTENSION OF TIME

- ☐ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: ☐ \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
☐ \$200.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
☐ \$460.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
☐ \$720.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);  
☐ \$980.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☐ A check in the amount of ☐ \$55.00 ☐ \$200.00 ☐ \$460.00 ☐ \$720.00 ☐ \$980.00 in payment of the extension fee is transmitted herewith. {check no. }
- ☐ Please charge the requisite fee of ☐ \$55.00 ☐ \$200.00 ☐ \$460.00 ☐ \$720.00 ☐ \$980.00 in payment of the additional extension fee to Deposit Account No. 50-0268.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) and enclosures transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,



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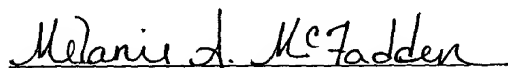
### **CERTIFICATE OF EXPRESS MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service, under 37CFR1.10, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231, on the date indicated below.

Express Mail Label No.: EL 909962703 US

July 30, 2002

Date of mailing and signature



Melanie A. McFadden